COMBATING CLIMATE CHANGE THROUGH DEVELOPMENT: A CRITICAL ANALYSIS OF SB 375 AND THE INFLUENCE OF THE SACRAMENTO BLUEPRINT

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List of Key Terms

AB 32 – Assembly Bill 32
AEP – Association of Environmental Professionals
APS – Alternative Planning Strategy
BART – Bay Area Rapid Transit
CALTRANS – California Department of Transportation
CAPCOA – California Air Pollution Control Officers Association
CARB – California Air Resources Board
CAT – Climate Action Team
CEQA – California Environmental Quality Act
CTC – California Transportation Commission
DOT – U.S. Department of Transportation
EIR – Environmental Impact Report
EPA – Environmental Protection Agency
GHGs – Greenhouse gas emissions
HCD – Department of Housing and Community Development
MPO – Metropolitan Planning Organization
MTP – Metropolitan Transportation Plan
NRDC – National Resources Defense Council
RHNA – Regional Housing Needs Assessment
RTAC – Regional Targets Advisory Committee
RTPA – Regional Transportation Planning Agencies
SACOG – Sacramento Area Council of Governments
SB 375 – Senate Bill 375
SCAG – Southern California Association of Governments
SCEA – Sustainable Communities Environmental Assessment
SCS – Sustainable Communities Strategy
SIPS – State Implementation Plans
TOD – Transit-Oriented Development
TPP – Transit Priority Project
VMT – Vehicle Miles Travelled
Abstract

This paper begins with a case study on the Sacramento Blueprint in order to preface the region’s role in laying the groundwork for California Senate Bill 375 (SB 375). The majority of the paper then explores the central elements of SB 375, including its relation to transportation and housing development and its potential to induce “smart growth” development. It also assesses possible successes and failures of SB 375 as the bill goes through the implementation process. Ultimately, this paper concludes that the issues of implementation time, local accountability, internal consistency of SB 375’s regional programs, and the role of the Blueprint in the implementation process need to be adequately addressed for SB 375 to be put into action both effectively and efficiently. This paper was written in June 2010, while Carley Markovtiz was a Bachelor’s of Arts student at Dartmouth College. The paper was revised in February 2012 for publication.
I. Introduction

According to a New York Times editorial, “most of the serious work on climate change has occurred in the states, and no state has worked harder than California.” Indeed, in the last several years California has led the nation with its landmark adoption of the first bill directly addressing the issue of climate change. Assembly Bill 32, California’s Global Warming Solutions Act of 2006, aims to address California’s greenhouse gas (GHG) emissions to reduce current levels throughout nearly every sector of industry and society. AB 32’s Climate Change Scoping Plan, released in 2008, provides a comprehensive description of the recommended actions to implement such all-inclusive change, which encompasses transportation and development suggestions to curtail emissions from these sources.

The issues of urban development and transportation planning play a significant role in California’s impact on the climate, and California’s legislators have taken note. As a 2006 report from the California Climate Change Center noted, “the state’s vital resources and natural landscapes are already under stress due to California’s rapidly growing population.” Thus, the current pattern of development that is perpetuating urban sprawl throughout the state needed to be addressed through the legislative process. The establishment of SB 375, California’s Sustainable Communities and Climate Protection Act of 2008, was instituted specifically to address transportation and development-related emissions with the intention of curbing urban sprawl. Because GHGs from passenger vehicles constitute the single-largest source of emissions in the state, it is necessary for the state to reduce Californians’ vehicle-miles travelled (VMTs) in order to effectively shrink its carbon footprint.

This paper will begin with a case study on the Sacramento Area Council of Government’s (SACOG) progressive role in implementing the Sacramento Blueprint, which has come to serve as an effective mechanism to address the issued mandates in SB 375. Consequently, the Sacramento Blueprint has instigated the implementation of a streamlined Regional Blueprint Program throughout the state, where several other regions have chosen to adopt a similar program to comply with state legislation. The rest of the paper will explore the central elements of SB 375, its effects upon transportation and housing, as well as its potential successes and failures as the implementation process begins to take place.

The ultimate objective of this paper is to explore whether or not SB 375 will be successful in integrating housing and transportation development into California’s progressive climate change efforts. Through a critical analysis gauging its potential

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1 “Communities Tackle Global Warming.” Natural Resources Defense Council. 5.
success, four significant issues emerge as the bill’s most pressing vulnerabilities. Implementation time, local accountability, internal consistency of SB 375’s regional programs, and the role of the Blueprint in the implementation process constitute these concerns that this paper will address. Despite the aforementioned concerns for the bill, the positive aspects of the Sacramento Blueprint on its region, as well as its transition into a multi-regional and eventually a statewide program, provide SB 375 with similar potential to replicate the Blueprint’s work throughout the entire state.

SB 375 may be effective through the influence of its regional mandates, so long as the individual regions are as engaged in the planning and implementation process as the Sacramento region has been. In addition, the regions will need to work closely with their local jurisdictions to encourage compliance with the bill’s smart growth development. However, as some aspects of the bill’s potential success are out of the regions’ control, the state will need to support regional efforts by bolstering the availability of reliable mass transit systems, as well as help each region select the proper methodology for reaching their GHG emissions reduction targets.

II. Case Study: The Sacramento “Blueprint”

While the definition of a “blueprint” often describes a technical drawing, the concept has been adopted to refer to any detailed plan. For Sacramento, blueprint principles were utilized to establish a regional planning process, which provides a vision for the region that “promotes compact, mixed-use development and more transit choices as an alternative to low-density development.” SACOG initially established the Preferred Blueprint Scenario in 2004 as a response to the growing population and increasing levels of pollution in the region, and has worked to effectively link previous and forthcoming mandates into its objectives. The major regional effort in place pre-Blueprint was the Metropolitan Transportation Plan (MTP) for 2025, which is SACOG’s version of the federally funded Regional Transportation Plan (RTP). The MTP for 2035 has been implemented since the onset of the Blueprint, and SACOG has worked with each local government to tie these two pieces of legislation into a streamlined process for achieving regional goals.

Another core goal of the Blueprint is “to support local governments with high-quality data and modeling tools so that decisions regarding future growth and its effects on quality of life issues, such as traffic congestion and air pollution could be made with best information available.” The Preferred Blueprint Scenario provides a series of maps and statistics for the six counties in the Sacramento region, and outlines the housing and transportation systems both as they currently exist and how they should expand through the year 2050. The report also offers a series of transportation and housing choices that are being developed as a result of the Blueprint’s smart growth principles. According to a special report by SACOG, the maps are “intended to be interpreted and used as a concept-level illustration of the growth principles” rather than in a “literal, parcel-level

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The maps’ conceptual base also signifies that they do not designate specific planning to local jurisdictions; rather, local governments are responsible for making these development decisions themselves. This presents a potential concern with compliance measures seeing as the Blueprint is voluntary, which will be examined later in the paper (pg. 21).

As the Sacramento region responded proactively to these alarming and imminent changes, it has received statewide recognition for its efforts to reverse its once complacent perspective toward development. CARB’s Climate Change Scoping Plan emphasizes the importance of integrated land use and transportation planning through the use regional Blueprints, citing SACOG’s Blueprint as a successful model. To this effect, the Sacramento Blueprint has influenced the adoption of the Regional Blueprint Program, established in 2005, throughout many other regions in California.

III. SB 375

A. Overview

Introduced by Senator David Steinberg, SB 375 is viewed as a groundbreaking piece of legislation because it is “the nation's first law to control greenhouse gas emissions by curbing sprawl.” The bill specifically targets transportation and housing development at a regional level, with the larger objective of incorporating climate issues into land use planning. As evidenced with the Sacramento Blueprint and the Regional Blueprint Program, SB 375 builds off of existing legislation to combine the issues of housing development and transportation planning with efforts to curtail GHG emissions through a reduction in VMT.

According to the Institute for Local Government, SB 375 has three central objectives: “(1) using the regional transportation planning process to achieve reductions in greenhouse gas emissions consistent with AB 32's goals; (2) offering California Environmental Quality Act (CEQA) incentives to encourage projects that are consistent with a regional plan that achieves greenhouse gas emission reductions; and (3) coordinating the Regional Housing Needs Allocation (RHNA) process with the regional transportation process while maintaining local authority over land use decisions.” In order to realize these goals, SB 375 has established a series of required steps.

To begin, CARB must collaborate with the 18 MPOs in California to establish appropriate and attainable GHG emissions targets for each MPO. CARB, along with each

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6 Id.
MPO, may also collaborate with a Regional Targets Advisory Committee (RTAC) to establish these targets. The state board is required to appoint a RTAC, which will serve as a statewide entity to consult with individual regions and their MPOs on the appropriate GHG emission reduction targets. Furthermore, “the committee shall be composed of representatives of the MPOs, affected air districts, the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public, including homebuilders, environmental organizations, planning organizations, environmental justice organizations, affordable housing organizations, and others.”

Essentially, the RTAC aims to provide an outside opinion that is not biased toward any particular region, but rather that has the overarching objective of setting aggressive yet attainable emissions reductions targets. While CARB, MPOs, and RTAC are all involved in the setting of targets, ultimately the method and actions chosen to achieve such targets rests with each individual region.

B. Transportation Conformity, the Regional Transportation Plan (RTP), and the Sustainable Communities Strategy (SCS)

On the regional level, each MPO is responsible for constructing a Sustainable Communities Strategy (SCS) that will demonstrate the region’s approach to meeting its designated targets. Technically, the strategy becomes part of the Regional Transportation Plan (RTP), which is important to note because it connects this regional legislation to federal transportation planning law. On the state level, the RTP is the mechanism used by both Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) to conduct long-range (minimum of 20 years) planning in their regions. On the federal level, the RTP is intended to conform to mandates for State Implementation Plans (SIPS) under the 1990 Clean Air Act Amendments. The SCS further links SB 375 to federal mandates according to the 2010 RTP Guidelines mandated by the California Transportation Commission (CTC), which state that “RTPs prepared by MPOs in areas subject to conformity requirements shall meet the requirements of Title 42 USC Section 7506(c) and Title 40 CFR Part 93 Subpart A regarding transportation conformity.” Transportation conformity, also a mandate of the Clean Air Act, “helps communities ensure that federal funds go to transportation activities that are consistent with their air quality goals.” Thus, SB 375 ideally has the potential to fulfill mandates ranging from the regional to national level, portraying the bill’s robust, multifaceted approach to planning and development.

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11 The RTP is also referred to as “a Metropolitan Transportation Plan (MTP) or Long-Range Transportation Plan.
14 Earp 89.
Essentially, the SCS “adds three elements to the RTP: (1) a land use component that identifies how the region could house the entire population of the region over the next eight and 20 years; (2) a discussion of resource and farmland areas to be protected; and (3) a demonstration of how the development pattern and the transportation network can work together to reduce GHG emissions.” Each regional planning agency must submit its SCS to CARB for ultimate approval. CARB may accept or reject the SCS based on two central criteria: its ability to meet GHG emission reductions targets, and the methodology employed to meet the reduction targets. If the SCS does not satisfy CARB’s mandates, then the MPO may choose to revise the SCS, or has the option of adopting and Alternative Planning Strategy (APS) to meet the required reductions. Like the SCS, the APS “neither directly affects nor supersedes local land use decisions and in neither case must local general plans, local specific plans, or local zoning be consistent with the documents.” This clause is critical because it emphasizes the fact that neither of these documents holds any authority over local jurisdictions. While the SCS must be incorporated into the RTP and is thus accountable to federal legislation, the APS does not fall under the same mandates and is therefore an entirely separate document. The subsequent concerns arising from the APS’ potential lack of accountability will be discussed later in this paper (pg 25).

C. CEQA Incentives

Another major step in the process is SB 375’s ability to provide incentives through CEQA. CEQA requires public agencies to identify potential environmental impacts of their proposed projects, and attempt to mitigate those impacts through feasible measures or alternatives. SB 375 provides an incentive for developers to comply with the SCS or APS by offering “potential relief” from CEQA by allowing these local entities to streamline the review process for certain projects. The bill offers incentives for two different types of transit-based projects: residential and mixed-residential projects that satisfy CARB mandates, as well as Transit Priority Projects (TPPs).

Residential and mixed-use residential projects under SB 375 require a project to utilize at least 75 percent of total building footage for residential use. Those projects that have provided reasonable mitigation measures from a previous environmental impact report and show that their development will be consistent with the SCS or APS will receive a number of CEQA exemptions. Namely, the environmental review of such projects does not have to consider: “a) growth inducing impacts, or b) specific or

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18 Darakjian, 390.
19 Darakjian, 391.
20 Darakjian, 391.
cumulative impacts from cars on global warming or the regional transportation network.\textsuperscript{22} TPPs also deal primarily with residential projects, and require that projects located within one half-mile of a “major transit stop”\textsuperscript{23} or “high quality transit corridor”\textsuperscript{24} be included in an RTP.\textsuperscript{25} Projects that satisfy both the development qualifications and proximity to these transportation sites can receive either full CEQA exemption or a Sustainable Communities Environmental Assessment (SCEA), a condensed version of the Environmental Impact Report (EIR).\textsuperscript{26} Receiving a full CEQA exemption will be extremely difficult due to the extensive requirements that these projects would have to meet, and according to John Darakjian’s analysis of the bill, it seems that the SCEA will be the most common form of streamlining that emerges from SB 375. Overall, CEQA exemptions and streamlining efforts should successfully incentivize developers to comply with the SCS and APS because of the time, labor, and expert advice no longer spent on administering the extensive environmental review.

D. Housing Impacts

SB 375 synchronizes the Regional Housing Needs Allocation (RHNA) process with the RTP process, and states that each region’s Regional Housing Needs Plan (RHNP) must be consistent with the development pattern of the SCS.\textsuperscript{27} Each region will receive a RHNP, and each city and county within that region will receive a RHNA detailing the “total number of housing units that it must plan for within a 7.5 year time period through their General Plan Housing Elements.”\textsuperscript{28} These housing units are subsequently allocated to the four economic categories of very low, low, moderate and above moderate incomes.\textsuperscript{29} As the RHNA must now conform to the SCS, regional planning organizations are expected to provide local governments with a housing allocation representing their “fair share” of regional growth.\textsuperscript{30}

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\item \textsuperscript{23} According to Cal. Pub. Res. Code 21064.3, a “major transit stop” is defined as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Also see Darakjian 392.
\item \textsuperscript{24} According to Cal. Pub. Res. Code 21155(b), a “high-quality transit corridor” is defined as “a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.” Also see Darakjian 392.
\item \textsuperscript{25} Darakjian, 392. See Cal. Pub. Res. Code 21064.3 and 21155(b).
\item \textsuperscript{26} Darakjian, 393.
\item \textsuperscript{29} Id.
\item \textsuperscript{30} Fulton, Darakjian 394.
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As part of each SCS, SB 375 extends the major regions’ housing elements from five to eight years in duration, giving each region three extra years to update its plan. The housing element of each SCS will be due eighteen months after the SCS is adopted. However, those jurisdictions that fail to adopt a housing element within 120 days of its deadline will revert to four-year cycles, thus significantly decreasing the allotted implementation time to bring about specified changes in housing projects. In terms of residential development, all localities with four or eight-year housing elements must rezone all areas directed for such development, and those jurisdictions that accommodate seventy-five percent of their low and very low income sectors will receive a one-year extension to meet their rezoning requirements. The bill also places further emphasis on required zonings, instructing local jurisdictions to complete rezoning projects within three years of its original mandate in the Housing Element, in which they “must include minimum density and development standards for the site.”

There are specific mandates in place that attempt to hold jurisdictions accountable for timely action, as well as provide remedies for a failure to comply with such mandates. Jurisdictions must report their progress on rezoning and program implementation on an annual basis to California’s Department of Housing and Community Development (HCD), as well as hold a local hearing to review and discuss the report. In terms of enforcement, Housing CA refers to two remedies for a jurisdiction’s failure to meet specified deadlines: the “Builder’s Remedy” and the “Citywide Remedy.” Essentially, the “Builder’s Remedy” allows for a developer to build on any site that is identified as a residential property, as long as his building plans comply with the densities and development standards specified in the housing element of a region’s SCS. The “Citywide Remedy” provides a legal mechanism for any party to sue a jurisdiction in order to force compliance with rezoning and project implementation deadlines. Those regions that continue to miss deadlines will be subjected to court order to comply, and will remain under such jurisdiction until they do so.

IV. The Tangible Benefits of SB 375

The California Planning and Development Report characterized SB 375 as “both more and less powerful than its advertised to be,” and emphasized that California’s regional planning agencies have the ultimate control in the bill’s potential success. In terms of its accomplishments, the bill has already been perceived as successful due to its rhetoric signaling of “potentially revolutionary changes in California’s arcane processes.

31 According to Housing CA, the major MPOs on the eight-year cycle are ABAG, SCAG, SACOG, and SANDAG.
33 Fulton.
34 “Summary of SB 375 (Steinberg): Sustainable Communities Strategy.”
35 Housing CA is California's statewide nonprofit organization representing a coalition of advocates for affordable housing and homeless issues.
36 Darakjian 395.
of regional planning for transportation and housing." As previously mentioned, the bill could positively affect the RHNA process, providing that localities uphold the “fair share” housing strategy that would allow for the construction of equal housing units for each of the four allotted economic categories. Also previously discussed, SB 375 may provide substantial incentives for certain types of transit-oriented projects under CEQA, where CEQA exemptions may encourage an increase in conscientious, sustainable development.

While the visible effects of SB 375 have yet to emerge, there are already evident results surfacing in development projects across California due to the successful implementation of the Blueprint. Indeed, in the Sacramento region “nearly 70 percent of new housing built in 2008 was on small lots or condos and townhouses, compared with just 20 percent in 2002, according to the Sacramento Area Council of Governments and Valley Vision, the two groups that led the charge for the Blueprint." Part of the planning process will also include the Blueprint’s ability to connect poor communities to jobs and other economic opportunities. According to Manuel Pastor, a University of Southern California professor who directs the Program for Environmental and Regional Equity, “that kind of equity can give the Sacramento region a ‘competitive advantage’ in building sustainable communities.” Clearly, Sacramento’s head start in its successful implementation of the Blueprint makes it the easiest region to critique thus far, and as Pastor said, the region could potentially gain substantial economic and environmental advantages over its counterparts.

From a broader and more long-term perspective, many benefits are expected to result from the implementation of SB 375 across the state. According to the National Resource Defense Council’s (NRDC) brief titled “Communities Tackle Global Warming: A Guide to California’s SB 375,” there are substantial economic benefits that could emerge as a result of the bill. Such benefits may emerge specifically by reducing the lot size of homes, implementing efficient technologies into new residential and non-residential projects, creating walkable communities with proximity to public transportation, and encouraging more integrated communities through “fair share” development within each region.

More specifically, SB 375 could save taxpayers an estimated $16 billion in the Sacramento region, and roughly $48 billion in Southern California. In addition, curtailing household expenses due to reductions in fuel, infrastructure, energy and water costs could save the average family $3,000 to $4,000 per year, and families that can either partially reduce or completely eliminate their reliance on a car can accrue even more savings. A report issued by Berkeley’s California Climate Change Center also

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38 Id.
42 Adams et. Al. 5.
indicated significant statewide economic benefits from the smart growth movement, particularly regarding the positive macroeconomic impacts of Climate Action Team (CAT) policies and a 2020 GHG emissions Cap.\textsuperscript{43} Indeed, “the report predicts California’s annual gross state product could increase by $60-74 billion and result in the creation of anywhere between 17,000 and 89,000 new jobs.”\textsuperscript{44} Many of these initiatives were fostered under AB 32, and now with further climate change legislation in place, California may remain optimistic about the beneficent economic impacts of its progressive environmental laws.

From an environmental standpoint, “California households could reduce their transportation-related climate pollution by 30 percent or more from reduced fuel use alone if development patterns between now and 2020, both inside and outside the urban core, were more efficient.”\textsuperscript{45} Above all, SB 375 was designed with the intention of compacting development to reduce transportation-related emissions, and if the bill is successful in doing so, California could see a reduction of 84,000 tons of GHG emissions each year.\textsuperscript{46} Of course, these benefits are all dependent upon engaged, dedicated MPOs that want these changes to occur, and want to work with local jurisdictions to see these projects through.

V. Critical Analysis: The Concerns of SB 375

After examining the central elements and overarching aspirations of SB 375, as well as the Blueprint’s connection to the bill through its assistance in the implementation process, several critical concerns surface as potentially detrimental to the bill’s eventual success. The primary concerns that this paper will evaluate are the bill’s implementation time, problems with local accountability, potential inconsistencies emerging from the SCS and APS, and problems concerning the Blueprint’s efficacy statewide. Regarding the Blueprint’s efficacy, it will be important to analyze the potentially unique nature of SACOG’s success with its Blueprint program, and whether or not other MPOs will be able to realize similar achievements due to various factors pertaining to their region’s characteristics and quality of life.

A. Implementation Time

An inherent issue with the enactment of all policy, and particularly for environmental policy, is the time elapsed between the establishment and implementation of a bill. With SB 375, CARB had two years, until September 2010, to assign each MPO its emissions reduction target. In the case of these targets, determining how much time to deem permissible in making concrete housing and transportation improvements depends on those in power, and in this instance, the power rests with the eighteen MPOs. As the

\textsuperscript{43} The 2020 GHG Cap would reduce emissions to 1990 level by 2020.


\textsuperscript{45} Adams et. Al. 5.

\textsuperscript{46} Adams et. Al. 5.
implementation process of the bill moves forward, the effect of implementation time on its overall success will become increasingly more evident.

B. Local Accountability

The relationship between the various levels of government in dealing with environmental policy is consistently competitive, often due to overlapping responsibilities or a lack of responsibility resulting from the absence of accountability measures. While there are state and regional mandates in place due to SB 375 and its requirement for the implementation of the SCS, accountability may fall short on the local level. This is due to several key factors: SB 375’s overstatement of its “land use” connection, the significance of following “current planning assumptions,” and the inherent structure of the regional organizations that cedes significant power to local entities.

1. The “Land Use” Connection

While SB 375 is touted as a revolutionary piece of legislation that links land use with transportation and housing development, the bill itself words it somewhat differently. In fact, the bill states that “nothing in a [SCS] shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region.” In this sense, land use authority is entirely in the hands of local jurisdictions, and despite plans that the SCS may have for the development of its region, the decision-making and implementation power ultimately rests with local authorities. According the California Planning and Development Report,

Despite the headlines, the law doesn’t “tie state transportation funding to land use;” it merely charges regional planning agencies, which are run by local elected officials, with making sure their own funding decisions are consistent with the new regional plans. Local governments don’t have to comply with the plans.

With that said, localities are not legally bound by any SB 375 mandates, and the only tangible incentive they have to comply with the SCS or APS is transportation funding tied to the Blueprint. According to Senator Steinberg, the bill did not want to impose a “stick” approach to compliance, but rather hoped to allow regions to assume power in implementing smart growth development strategies, just as the Blueprint designated as well. However, because land use decisions are left entirely in the hands of localities, their willingness to adopt such strategies depends on their constituents’ preferences, their financial capabilities, and their overall perspective on the appropriate approach to

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successful development. If regional entities are to have any success in realizing SB 375’s development mandates, they will have to work closely with local jurisdictions and convince them that the region’s developmental interests can serve their interests as well.

2. *The Significance of “Current Planning Assumptions”*

While SB 375 is seen as particularly innovative because of its intended ability to streamline the SCS with the federally mandated RTP, some provisions of the law may actually end up undermining anti-sprawl efforts. The RTP is effectively based on “current planning assumptions,” also known as “latest” planning assumptions by the Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT). According to the EPA and the DOT, these planning assumptions “must be derived from the population, employment, travel, and congestion estimates that have been most recently developed by the MPO (or other agency authorized to make such estimates), and approved by the MPO.” While this seems reasonable, employing “current” or “latest” planning assumptions requires the regional planning entities to design a reasonable program, one that the localities under its jurisdiction can realistically attain. And yet, this is precisely where progress may be impeded most: localities now effectively possess the authority to determine what type of development is “reasonable” and what is not, and their subjectivity in this matter could result in major setbacks in the bill’s implementation process.

3. *The Detrimental Connection Between Regional and Local Authorities*

The relationship between the regional and local entities in collaborating on planning and implementation efforts is vaguely defined at best. According to the Caltrans SB 375 Summary, local officials are informed of regional plans through at least two annual meetings with the MPO. In these informational meetings, the MPO is to collect feedback from each of its counties regarding the format, methodology, and implementation of the SCS and APS. From this open-ended and informal perspective, and based on the likelihood of minimal interaction between these entities for a majority of the process, it seems hard to believe that these collaborative efforts will be very consistent or effective.

However, to present the opposing side to the aforementioned opinion, there is also the concern that as locally elected officials, MPOs may work too closely with local jurisdictions to meet their needs while sacrificing the regional goals of the SCS. This idea is essentially saying that

50 Fulton
SB 375 is subject to the same major structural issue as the RTP itself: Ultimately, the decisions at the regional level are made by MPO board members, who are local elected officials. And, as we all know, it’s unlikely that elected officials sitting as regional planning board members will pull the trigger on each other.\(^55\)

Thus, several sources have come to agree upon the fact that if the developmental mentality of those officials directing the MPOs remains stagnant and focused solely on local preferences, then the regional and statewide success of the SCS and SB 375 as a whole may be in jeopardy.

There is also the idea that MPOs may collaborate with local authorities to make the job of conforming to SB 375’s mandates easier, which may undermine the process of legitimate “fair share” development. As previously discussed, the RHNA numbers for each city and county must conform to the SCS, effectively providing localities with their “fair share” of development projects. However, it is possible that the SCS will prioritize Transit-Oriented Development (TOD) to curb sprawl in the most convenient way possible.\(^54\) While this is generally touted as a positive development initiative, “the end result of the RHNA process in the future [may] look something like what the Association of Bay Area Governments has recently done in this arena—cutting a deal among local governments to allow more housing in transit-rich areas, and rearranging the RHNA numbers to accommodate that goal.”\(^55\) In this sense, MPOs would reject the “fair share” clause of the RHNA process to cater to the needs of constituents that may want to preserve current land use designations. This could cause those localities in poorer, more urbanized areas to see a disproportionate increase in development, particularly of the allotted low-income housing for each municipality. Of course, the opposite scenario could also occur, where regions may concentrate development in wealthier areas, subsequently leaving poorer communities without access to opportunities perpetuated by development.

C. The SCS and APS: Consistency and Accountability Concerns

The success of SB 375 essentially hinges upon the success of those regional strategies, the SCS and the APS, which will implement the housing and transportation projects necessary to curb emissions. Both documents are similar in that they do not supersede local land use decisions or zoning requirements, but are different in that the SCS must comply with the federally mandated RTP while the APS may not. This is so significant because “the ultimate exclusion of the alternative strategy from the transportation plan, the result of intense local government lobbying, allows for regional compliance under the law while leaving policy and funding choices unaffected.”\(^56\) As MPOs are required to implement an APS if its SCS does not satisfy all emissions reduction targets, the APS has the potential to be much more lax as it has no federal or

\(^{53}\) Fulton
\(^{54}\) Fulton
\(^{55}\) Fulton
\(^{56}\) Darakjian 390.
local accountability measures included in its provisions. However, it is important to note that implementing the provision should certainly be better than having no provision at all, and as the APS must receive CARB approval before adoption, it may still help to achieve emissions reduction goals because of the state review and oversight of the provision.\footnote{57 Darajian 391.}

D. Limitations to the Blueprint, Limitations to SB 375

1. The Limits to Voluntary Legislation

While SB 375 is linked to federal mandates due to the role of the SCS in implementing the RTP, the programs designed to comply with its mandates—such as the Blueprint—remain voluntary. Furthermore, the voluntary and discretionary nature of SB 375 allows for localities to implement the Blueprint’s objectives through various methods: “some have incorporated the Blueprint principles into their general plan updates to guide future growth and development and are conforming implementing codes to the general plan updates; others have initiated area-specific plans to implement Blueprint principles; some jurisdictions created their own Blueprint implementation strategies to guide their planning and development review processes.”\footnote{58 “Special Report: Blueprint's Impact on the Region and Residents' Quality of Life.” Sacramento Region Blueprint: Transportation Land Use Plan. SACOG. Web. <http://www.sacregionblueprint.org/implementation/pdf/blueprint-book.pdf>. 13.} The substantial variation in implementation strategies also shows that the voluntary nature of the Blueprint allows localities to choose how proactive they want to be, or if they want to take action at all.

As Senator Steinberg declared regarding regional involvement: “if [regions] don’t choose to engage in the process of developing better planning scenarios, then we’re going to tie transportation funding to that refusal.”\footnote{59 “SB 375 Connects Land Use and AB 32 Implementation.” The Planning Report: The Insider's Guide to Managed Growth. Ed. David Abel. July 2007. Web.} This incentive based system certainly may motivate some regions to effectively implement the Blueprint and encourage localities to comply to its development plans. However, those entities that are not in need of transportation funding, or those that prefer to continue development from the “business as usual” approach, may neglect the potential benefits of the Blueprint and simply allow it to remain a form of lip service to regional and state goals.

2. Public Transportation and Future Implications on the Blueprint

One final concern surrounding the success of SB 375 is the ability for the regional Blueprints to take hold as effectively in other regions as the Sacramento Blueprint did throughout its region. In an interview with the planning report, Senator Steinberg said:

SB 375...does not impose any particular vision on any region. It says, “We want you to do what SACOG has done so successfully.” But in terms
of the implementation, after the planning scenarios have been completed, I’m confident the regions will embrace this.\(^{60}\)

However, as much as other regions may want to adopt the Blueprint ideology and comply with the mandates of SB 375, this may be out of the regions’ control to begin with. In other words, the inherent infrastructure and resources available to each region may determine if a region is capable to effectively incorporate a Blueprint. Comparing the city of San Francisco to the Los Angeles region epitomizes the large discrepancies in geography, transportation infrastructure, and the cultural implications that result. San Francisco invested early in transportation infrastructure, as seen with the Bay Area Rapid Transit (BART) system, whereas Los Angeles saw much of its public transit infrastructure disintegrate over time. Despite ongoing efforts to increase transit use in the Los Angeles area, the expansiveness of the area and the prevalence of the automobile continue to pose serious obstacles. As both a criticism and a recommendation, “if the state hopes to see a genuine GHG reduction under the plan, the expansion of public transportation must become a priority and not an afterthought.”\(^{61}\)

Confronting this reality will improve each region’s capabilities to effectively embrace the objectives of SB 375.

VI. Conclusion: Recommendations and Reservations for the Future of SB 375

This paper presented a critical analysis of SB 375 to suggest that in order for the bill to have a substantial effect upon housing and transportation development in California, the issues of implementation time, local accountability, the efficacy of the SCS and APS, and the utility of the Blueprint in implementing SB 375 mandates must be adequately addressed. Two other serious concerns emerge when examining how realistic it will be for each region to achieve its emissions reduction target; namely, the state’s inability or unwillingness to prioritize the implementation of efficient and widespread mass transit systems, and the difficulties that arise from carbon emissions accounting. According to Darakjian, guidance for meeting emissions reduction targets is lacking, and the two entities providing this assistance, the California Air Pollution Control Officers Association (CAPCOA) and the Association of Environmental Professionals (AEP), are only providing one methodology for meeting these reduction targets.\(^{62}\)

This is a critical problem because “until such assistance is available, SCS adoption may be delayed indefinitely as ill-equipped regional agencies struggle with the complexities of carbon emissions accounting.”\(^{63}\) Another serious problem is California’s work to provide accessible and extensive mass transportation systems that can effectively compete with automobile travel. Thus, if the state does not—or cannot—provide the resources necessary for the regions to meet its emissions reduction targets, then the lofty rhetoric of SB 375 will remain just that.

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\(^{60}\) Id.

\(^{61}\) Darakjian 406.

\(^{62}\) Darakjian 402

\(^{63}\) Darakjian 402
However, at the end of the day, SB 375 is just like any other environmental bill: it is “legislation born of compromise.” It is true that the bill endured fourteen amendments between its introduction and eventual adoption, but even still, the bill was passed and is the most progressive of its kind nationwide. Thus far, the rhetoric of SB 375 has proven to be both innovative and comprehensive, with its intended effects ranging from a reduction in VMT to a total overhaul of sprawling development patterns. This paper’s critical analysis of the bill intends to portray that SB 375 has the potential to be extremely successful in some aspects, and a potential failure in others. The criticisms laid against the bill are not to say that SB 375 is destined to fail, but rather that in order to succeed these issues must be addressed. In addition, the various agencies at the local, regional, state, and national levels must be prepared to resolve any inconsistencies and complexities so that the bill can exert its deserved influence, and effectively achieve its objective of reducing GHG emissions by curtailing VMT. If the impressive rhetoric of the bill is reinforced by sound communication between the various levels of government, SB 375 has the potential to serve as a groundbreaking piece of legislation with the potential to influence the national approach to land use legislation. Only time will tell if the regional targets and forthcoming mandates prove to successfully instigate positives change for the climate across California.

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64 Darakjian 374.
References


